

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ESTATE OF RICHIE MAJORS, et al.,

Plaintiffs,

Case No. 16-cv-13672

v.

HON. MARK A. GOLDSMITH

ROGER A. GERLACH, et al.,

Defendants.

**ORDER (1) GRANTING DEFENDANTS' MOTION TO FILE MOTION TO
ADJOURN UNDER SEAL (Dkt. 228), (2) GRANTING DEFENDANT'S MOTION TO
ADJOURN TRIAL DATE (Dkt. 229), AND (3) SETTING PRETRIAL DEADLINES**

Defendants filed an unopposed motion to adjourn the trial date (Dkt. 229). The Court grants this motion. The Court also grants Defendants' motion to file their motion to adjourn under seal (Dkt. 228).

The Court will hold a final pretrial conference on May 8, 2023 at 1:30 p.m. Jury trial will commence on May 30, 2023 at 8:30 a.m.

The Court ordered the parties to file a revised joint final pretrial order. See 1/19/23 Order (Dkt. 227). That revised joint final pretrial order is due February 13, 2023.

The Court also ordered the parties to file a joint set of agreed-upon jury instructions and "a joint document regarding instructions as to which there is no stipulation." 12/27/22 Order at 5 (Dkt. 215). The Court ordered that the latter filing "contain a separate section for disputed instructions proposed by each party (which instructions shall be attached as exhibits)" and that, "[a]s to each instruction, there [] be a statement by each party, not exceeding two pages, setting forth that party's arguments and authorities in support of, or in opposition to, the instruction." Id.

The parties did not comply with these directions. The parties filed a joint set of jury instructions in which Defendants noted their objection to one instruction, see 1st Proposed Jury

Instr. at 29 (Dkt. 224), and then Plaintiffs filed a second set of proposed jury instructions as to punitive damages, see 2d Proposed Jury Instr. (Dkt. 226).

The Court understands that the parties have stipulated to the instructions in the first proposed jury instructions, except that Defendants object to the provision of an instruction on damages for which Plaintiffs will not provide evidentiary support. See 1st Proposed Jury Instr. at 29. To the extent that the Court's understanding is incorrect, the parties are directed to file a joint memorandum indicating otherwise by February 13, 2023.

The Court also understands that the parties dispute the instruction on punitive damages. See 2d Proposed Jury Instr. The parties are directed to file a joint memorandum setting forth arguments and authorities in support of their positions on this instruction by February 13, 2023. This joint memorandum must be filed as the same joint memorandum in which the parties clarify the Court's understanding as to their first proposed jury instructions, if applicable.

SO ORDERED.

Dated: February 1, 2023
Detroit, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge